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| EXAMINER |
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VAN HANDEL, MICHAEL P

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| ART UNIT | PAPER NUMBER |
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2623

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06/30/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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|------------------------------|---------------------------------------|--|--|
| Office Action Summary | Application No. 09/931,798 | Applicant(s) WAKAHARA, TATSUYA | |
| | Examiner MICHAEL VAN HANDEL | Art Unit 2623 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-6,8-11 and 13-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-6,8-11 and 13-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This action is responsive to an amendment filed 1/25/2008. Claims **1, 3-6, 8-11, 13-30** are pending. Claims **1, 6, 11** are amended. Claims **2, 7, 12** are canceled. The examiner hereby withdraws the rejection under 35 USC 112, first paragraph, in light of Applicant's arguments.

Response to Arguments

1. Applicant's arguments regarding claims **1, 6, and 11**, filed 1/25/2008, have been fully considered, but they are not persuasive.

Regarding claims **1, 6, and 11**, the applicant argues that the Panasonic reference does not disclose that a respective representation of a respective program is displayable in a fourth color which is different from first, second, and third colors when the cursor is located thereat and prior to a selection of the respective program by the means for enabling, wherein the means for enabling is a means for enabling a user to select a program for programming a recording of the program or for watching or listening to the program. The examiner respectfully disagrees.

As noted in the Office Action mailed 8/22/2007, Panasonic discloses pressing up, down, left, or right arrow keys to move around a Channel Guide to highlight a show (p. 20, Viewing Live Television 3; p. 24, Selecting a Show 2; & p. 25, Recording a Show That Is Currently Being Viewed 2 & Recording a Single Upcoming Show 2). After highlighting an upcoming show, the user can press REC, which causes a solid red dot to be placed next to the selected show. This means that just that one show, or episode will be recorded (p. 25, Recording a Single Upcoming

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Show 2). This meets the limitation of “in which a representation of a respective program is displayable in a fourth color which is different from said first, second, and third colors when the cursor is located thereat,” as currently claimed. Panasonic further discloses that a show selected for recording can further be selected to change recording options of the show before it begins recording (p. 25, Recording a Single Upcoming Show 2), to record multiple episodes of one show (p. 25, Indication of Red Dots & p. 26, Recording Multiple Episodes of One Show 2) or to cancel a scheduled recording (p. 26, Cancelling a Scheduled Recording 2-4 & To Cancel a Recording in Progress from the Channel Guide...). Since the solid red dot is displayed prior to further selections available to the user, the examiner maintains that Panasonic meets the limitation of “and prior to a selection of the respective program by the means for enabling,” as currently claimed.

With respect to this interpretation of the Panasonic reference, the applicant argues that Panasonic appears to indicate that the red dot is only placed next to the show after it is selected for recording. The applicant asserts that this is different from the claim language, in that the claims recite that the representation of a program be displayable in a fourth color prior to a selection of the respective program by the means for enabling. The examiner notes; however, that Panasonic discloses that the show can be selected again (press REC a second time) to record multiple episodes of the show (p. 25, Indication of Red Dots & p. 26, Recording Multiple Episodes of One Show 2). As such, the examiner notes that the red dot is placed next to the show prior to a selection by the REC button (the second REC selection). Applicant’s claim language “prior to a selection of the respective program by the means for enabling” does not limit the claim to being prior to *any* selection by the means for enabling, but prior to *a* selection

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(italicized for emphasis). As such, the examiner maintains that Panasonic meets the limitations of claims 1, 6, and 11, as currently claimed.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims **1, 3, 5, 6, 8, 10, 11, 13, 15-30** are rejected under 35 U.S.C. 102(a) as being anticipated by Panasonic.

Referring to claims **1, 6, and 11**, Panasonic discloses an information processing device/method/recording medium (TV/Hard Disk Recorder Combination - see Cover Page) for displaying an electronic programming guide, comprising:

- a display controller (inherent to TV/Hard Disk Recorder Combination in order to respond to commands from the remote control);
- a display being operable to have displayed thereon in response to a control signal from said display controller a cursor and representations of programs for a plurality of channels having a plural number of past programs each of whose broadcast time is prior to a present time, a plural number of present programs each of whose broadcast time contains said present time, and a plural number of future programs each of whose broadcast time is subsequent to said present time, said representation of each of said plural number of past programs currently in the display being in a first color,

- said representation of each of said plural number of present programs currently in the display being in a second color different from said first color, and said representation of each of said plural number of future programs currently in the display being in a third color different from said first and second colors (p. 24 Channel Guide Screen), in which the cursor is movable to a representation of a desired program (p. 24, Selecting a Show); and
- means for enabling a user to select a program for programming a recording of the program or for watching or listening to the program (remote control)(p. 24, Selecting a Show 2 & p. 25, Recording a Show That is Currently Being Viewed & Recording a Single Upcoming Show), in which the representations of the programs are displayable on a first portion of the display and in which information of a respective program at which the cursor is located is displayable on a second portion of the display which is different from the first portion, (the examiner notes that the Program Information is located in a different portion of the screen than the Shows, and that as the user moves around the guide, the Program Information changes to correspond to the show that the user has highlighted)(p. 24, Selecting a Show 2 & Channel Guide Screen), and in which a respective representation of a respective program is displayable in a fourth color which is different from said first, second, and third colors when the cursor is located thereat and prior to a selection of the respective program by the means for enabling (the examiner notes that upon selecting a program for recording, a solid red dot is placed next to the show that was selected)(p. 25, Recording a Single Upcoming Show 2).

Referring to claims **3, 8, and 13**, Panasonic discloses the information processing device/method/recording medium as claimed in claims 1, 6, and 11, respectively, in which the enabling means enables the user to place said cursor on a respective representation of a desired program and to select the same (p. 24, Selecting a Show 2 & p. 25, Recording a Show That Is Currently Being Viewed 2 & Recording a Single Upcoming Show 2).

Referring to claims **5, 10, and 15**, Panasonic discloses the information processing device/method/recording medium as claimed in claims 1, 6, and 11, respectively, wherein said display always includes a latest electronic program guide containing said present time (the examiner notes that the current time is displayed in the upper right hand corner of the Channel Guide Screen and that the Channel Guide lists seven days of up-to-date listings for all the TV channels the user receives)(p. 19, Channel Guide & p. 24, Channel Guide Screen & NOTE).

Referring to claims **16, 21, and 26**, Panasonic discloses the information processing device/method/recording medium as claimed in claims 1, 6, and 11, respectively, in which the representation of the past, present, and future programs are displayable on the display with respect to time (the examiner notes that Past Shows are displayed in gray, Current Shows are displayed in light blue, and Later Shows are displayed in dark blue)(p. 24, Channel Guide Screen) and in which the representations are shifted after a predetermined period of time (the examiner notes that when a show is past it is displayed in gray rather than light blue. When a future show becomes current, it is displayed in light blue rather than dark blue. The user can go back within the Channel Guide to see what programs have aired in the last 24 hours)(p. 24, Selecting a Show & Channel Guide Screen).

Referring to claims **19**, **24**, and **29**, Panasonic discloses the information processing device/method/recording medium as claimed in claims 2, 7, and 12, respectively, further comprising means for displaying a content of the selected program when the selected program is a future program (the examiner notes that the Channel Guide Screen shows Program Information about the Later Show Cheers)(p. 24, Channel Guide Screen).

Referring to claims **20**, **25**, and **30**, Panasonic discloses the information processing device/method/recording medium as claimed in claims 2, 7, and 12, respectively, further comprising means for switching to the selected program when the selected program is a present program (p. 20, Viewing Live Television 3).

Referring to claims **17**, **18**, **22**, **23**, **27**, and **28**, Panasonic discloses the information processing device as claimed in claims 2, 7, and 12, respectively, further comprising means for displaying a message to the user that the desired program can not be selected when the desired program is a past program (the examiner notes that Past Shows are displayed in blue to indicate to the user that the show is over. These shows can no longer be selected for viewing or recording, because they have already been aired.)(p. 24, Selecting a Show & Channel Guide Screen). Panasonic further discloses that the message is displayable only for a predetermined amount of time (the examiner notes that the user can go back 24 hours within the Channel Guide)(p. 24, Selecting a Show).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims **4, 9, and 14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Panasonic in view of Lemmons.

Referring to claims **4, 9, and 14**, Panasonic discloses the information processing device/method/recording medium as claimed in claims 1, 6, and 11, respectively. Panasonic does not disclose that the first, second and third colors are set according to the user's favorite colors. Lemmons discloses permitting a user to select colors to associate with programs or program attributes, such that the related programs are displayed in the user-specified colors within a by-time program listing (col. 5, l. 45-52; col. 6, l. 3-21, 33-50; col. 7, l. 33-53; col. 9, l. 44-50; & Figs. 5-7, 9, 10, 13). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the coloring of program listings of Panasonic to include permitting the user to select colors to associate with the program listings, such as that taught by Lemmons in order to provide a more sophisticated way in which a user may inform a program guide of the user's preferences, so that the program guide can more accurately highlight programming of the type the user likes (col. 1, l. 56-59).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL VAN HANDEL whose telephone number is (571)272-5968. The examiner can normally be reached on 8:00am-5:30pm Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chris Kelley/

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MVH